SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 17/ LD/ 2005 **Date: 19.11.05**

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th day of September 2005 is hereby published for general information:-

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 2005
(ACT NO. 17 OF 2005)
AN ACT

Further to amend the Sikkim Panchayat Act, 1993

Be it enacted by the Legislature of Sikkim in the Fifty- sixth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Sikkim Panchayat (Amendment) Act, 2005.
(2) It shall come into force with immediate effect.

Insertion of reference to certain expressions.

2. In the Sikkim Panchayat Act, 1993 (herein referred to as the principle Act), through the principle Act, unless otherwise expressly provided, after the word "Gram Sabha", wherever they occur, the words "or Ward Sabha" shall be inserted.

Amendment of Section 7.

3. In the principle Act, in sub-section (1) of Section 7, the following provision shall be substituted, namely:-

"Quorum for a meeting of a Gram Sabha and Ward Sabha shall be fifth and one fourth of the total members of the Gram Sabha or Sabha, as the case may be, respectively.

Provided that one-third of the quorum shall comprise of women."

Amendment of Section 16.

4. In the principle Act, in Section 16, after clause (k), the following clauses shall be inserted, namely:-

"(l) if, in the opinion of the Prescribed Authority, he is guilty of an act of falsification, willful negligence or omission in the discharge of the duties and functions delegated under this Act or by orders issued by the State Government from time to time;

(m) if he refuses to act or becomes incapable of discharging his duties and functions by reason of any physical, mental incapacity or other reasons or obligations; and

(n) if he is guilty of disgraceful conduct unbecoming of a public servant punishable by any law for time being in force; or

(o) if he does not possess a hygienic sanitary latrine for use of his family.

Amendment of Section 29.

5. After sub-section (3) of Section 29, the following sub-section shall be inserted namely:- "(4) Any member of a Gram Panchayat who is removed from his office by the Prescribed Authority shall cease to function as a member of the Gram Panchayat."

Amendment of Section 57.

6. In the principal Act, after sub-section (7) of Section 57, the following sub-section shall be inserted, namely:-

" (8) The resolutions passed in a meeting of Zilla Panchayat shall be forwarded to the Rural Management & Development Department for confirmation within seven days of the meeting".

Amendment of Section 58.

7. In the principal Act, in Section 58, the following proviso shall be inserted, namely:- "Provided that the Prescribed Authority may direct the Zilla Panchayat to consider such matter which, in his opinion, is beyond the authority of the Zilla Panchayat or not in conformity with the provisions of this Act or orders issued by the State Government from time to time."

Amendment of Section 66.

8. In the principal Act, after sub-section (3) of Section 66, the following sub-section shall be inserted, namely:-

1. "(4) any member of a Zilla Panchayat who is removed from his office by the Prescribed Authority shall cease to function as a member of the Zilla Panchayat."

2. The existing sub-section (4) shall be re-numbered as sub-section (5).

By Order.

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File no. 16 (82) LD/ 2005